The GBF Experience In Finding Common Ground as a Mechanism for Solving User Conflicts

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Introduction

It is frequently assumed by the parties in a dispute that only one side can be right. Further impeding efforts to resolve conflicts is the view that negotiation would result in significant losses of integrity for those who compromise. Such perspectives tend to undermine progress in moving beyond the "us vs. them" mentality that has characterized much of the environmental debate in this country.

However, finding common ground and building consensus is both possible and desirable, and can often result in "win-win" solutions. It is **not** necessary for one group to "sell out" its values or perspective; it **is** necessary to listen to, and to learn to live with, different perspectives. The Galveston Bay area has been uniquely successful in this regard, and this paper will describe some of these experiences of the Galveston Bay Foundation (GBF) in particular.

Objectives

Looking back, it seems that the Galveston Bay Foundation was an idea whose time had come. In the mid-1980's, several major construction projects were on the table which would significantly impact the resources and the uses of the bay system. Also at that time, some of the failures of environmental organizations to make progress in protecting Texas natural resources were weighing heavily on the minds of local conservationists. Further inspiring the process was a presentation made by a board member of the Chesapeake Bay Foundation at a Galveston Bay seminar sponsored by the Texas Environmental Coalition in 1987.

The realization began to dawn that no one organization or government entity was looking after the ecosystem, the whole pie, that is Galveston Bay. Each agency or organization had its own specific interest which it was trying to protect. Comprehensive, cumulative, or synergistic impacts were rarely considered or discussed. It became apparent that a gap existed, but what would be the appropriate filler?

Small group discussions among local conservation interests began, spearheaded by environmental attorney Jim Blackburn. GBF was incorporated in July 1987 as a nonprofit corporation with about 40 charter members. By the fall of 1987, larger organizational meetings began in earnest, with individuals from diverse interests participating. The potential for success was hallmarked at one meeting when representatives of the commercial and recreational fishing interests, who had long

feuded over fishing rights, agreed that they would work together under the auspices of the Galveston Bay Foundation to "ensure there is a resource." They would continue any discussions of who would have access to those resources outside the organization.

Methodology

By the time of the first meeting of the Board of Trustees in January 1988, an even broader representation of Galveston Bay interests was included, as individuals and/or as groups: environmentalists and chambers of commerce, recreational boating and commercial navigation interests, commercial and recreational fishermen, government and academic experts, elected officials, and more. Five classes of trustees were defined to incorporate the different perspectives and areas of expertise: regular, delegate, advisory, ex officio, and honorary.

With the initial make-up of GBF settled, the next nine months helped set the stage for its operations in subsequent years. The Executive Committee, which is representative of the full board, met regularly to initiate programs, and to define the mission of the organization. As each phrase of the mission statement was discussed, consideration was given to the different perspectives to be represented. For example, was the mission to "save the bay," and if so, from what and to what end? Instead, the group decided that the bay was not yet lost, and to make the goal broader -- to improve conditions as appropriate, and not exclusively for the traditional environmental values, but for all of the bay's uses.

The Executive Committee adopted the following: "The mission of the Galveston Bay Foundation is to preserve and enhance Galveston Bay for its multiple uses, through programs in education, conservation, research and advocacy." Elaboration was given for each of the four goal areas.

In the process of developing the written mission, several unwritten goals also became integral to the organization. One was "to agree to disagree." With the incredible diversity reflected in the Board and the general membership, it was necessary to recognize that one hundred percent consensus might not always be possible, but different perspectives could be respected, and work could continue. In other words, participants would not "take their toys and go home."

A corollary to this goal has been a willingness "to work together whenever possible." Even if disagreements exist on one front, they need not preclude working cooperatively in other arenas. Further, GBF has sought to ensure that any positions taken are supported by sound scientific information, and this may include both ecological data and economic considerations. Since that defining first year following incorporation in the summer of 1987, the mission and unwritten goals have served to guide the programs and activities of GBF during the subsequent eight years. Key examples of cooperative efforts are described in the next section.

Results

An early example of working together even while disagreeing was the cooperative agreement GBF had with the Corps of Engineers ("Corps") to plant cypress trees and install wood duck boxes in the Wallisville Lake Project area, even while GBF was opposing the Corps on this project. This cooperative agreement with the Corps was paralleled by one with the Port of Houston Authority. The Port agreement included funding to create marshes on Port property, and was initiated and implemented during the period when GBF was opposing the Port and the Corps over the proposed enlargement of the Houston Ship Channel.

The controversy surrounding the 1987 proposal to deepen and widen the Houston Ship Channel came to a head in 1989 and 1990 when virtually every government agency and environmental group criticized the documentation that the Corps had presented to justify the project. In addition to protesting at all administrative levels, GBF took the issue to then Senator Bentsen who proposed elevating it to the President's Council on Environmental Quality. It was at this juncture that the Corps instituted the Interagency Coordination Team process and also proceeded to solicit additional public input. A project that had originally been developed out of the public eye, in the isolation of the standard Corps process, became instead a project with considerable input from a broad base, re-designed to produce a modest amount of environmental harm and a substantial environmental benefit. In fact, the project now represents one of the first major strides toward sustainable development for Galveston Bay.

Another of the more successful examples of resolving conflicts through finding common ground came out of the annual Bay Day festival. The purpose of the Bay Day festival is to call attention to and celebrate Galveston Bay by providing bay-oriented family activities for all ages, thereby increasing public awareness of the Bay's value and diversity of uses. With seed funding originally from the Galveston Bay National Estuary Program (GBNEP), the festival has been supported by over 70 corporate contributors and countless individuals as volunteers and donors.

The first Bay Day co-chairs were Ellyn Roof, from GBF's board and the sailing community, and Ed Feith, from Houston Lighting and Power Company (HL&P). HL&P has been a major corporate sponsor every year since that first 1991 event. In 1993, GBF received a call from one of its delegate trustees about a pending discharge permit for an HL&P facility. The trustee lived along the outfall canal and was greatly concerned about the temperatures of the discharge.

One solution would have been to obtain standing as a "party" and oppose the permit through the TNRCC permit hearing process, or to file suit. Another would have been to insist on extensive studies to evaluate all of the impacts prior to any action on the permit. Yet another would have been to avoid the issue altogether. The relationships that had been established through Bay Day led instead to a phone call and meetings between GBF and HL&P representatives. Through a series of discussions, the permitted temperature of the discharge was reduced, the amount of flow was better distributed between outfalls, and a sum of money was set aside by HL&P to support habitat restoration in the Clear Lake watershed, the watershed where the discharge occurred. The

alternatives would have cost both interests significant funds and resources, and might have had little positive outcome for the Bay system.

Instead, the HL&P sum was matched by a grant from the National Fish & Wildlife Foundation. The proposed project was to create over 9 acres of marsh. Additional funds were committed from the East Harris County Manufacturers Association, the U.S. Fish & Wildlife Service, the Gulf of Mexico Program, and the Texas Department of Transportation, bringing the total to over $150,000. Volunteers came from scout groups, corporate groups, college clubs, environmental groups, and others. A task force of local, state, and federal agencies was convened by GBF to oversee the project, which has been remarkably successful and continues to be monitored and evaluated to help guide other marsh restoration efforts in the Bay system.

Another education project became a catalyst for other groups to take the initiative on a nonpoint source pollution problem. With funding from GBNEP, GBF began a boater education project, which also involved the cooperation of a local marina, a local contractor of boat sewage pump-out services and the Marine Advisory Service. Initially, there was considerable resistance in the marina community to acknowledging the potential pollution threat from the improper disposal of boat sewage. While pumpouts are still not universally accepted, the marina association has developed a "green sheet" for enhancement of environmentally sound practices by boaters, and boaters who participated in the GBNEP-funded demonstration project have expressed a willingness to continue their new practices, even if a fee is charged in the future.

Perhaps no advocacy effort so clearly reflects the broad-based approach of GBF than the work to develop improved oil spill response for the Bay. GBF began with an investigation of the Bay's preparedness following the 1990 Valdez, Alaska spill. After a year of study, a report was issued calling for increased, coordinated, practiced spill response, and calling for a community-wide meeting to enlist the interests and expertise of the broad spectrum of affected parties.

Several spill planning meetings were held with over 50 people, including agencies, industries, and conservationists. Out of these meetings came a list of consensus items to be included in proposed state oil spill legislation. Through negotiations with the Texas General Land Office, the state agency sponsoring the legislation and with the help of a local state representative, every provision requested was included in the final bill passed by the state legislature.

Furthermore, the Coast Guard took seriously GBF's request for one comprehensive plan for the Bay, producing a document, with input from all parties, and this in spite of the fact that two Coast Guard zones, and the possibility of two plans, had existed in the Bay. The Coast Guard further followed up on the GBF recommendation for combining the zones.

Conclusions

Avenues do indeed exist to find common ground, to build partnerships, to seek solutions to common problems, and GBF and the Galveston Bay community as a whole have been remarkably successful in this realm. Testimony to this success exists in the on-the-ground improvements that have been made over the past nine years, and in the increasing support for cooperative processes.

It is all too easy and comfortable to divide people into opposing categories -- blue-collar/white collar, worker/management, black/brown/white, men/women, working women/housewives, voters/ politicians, engineers/environmentalists, or environment/economy. Today's world of increasing interdependence, even across national boundaries, demands more of us. We must learn to see that each of us may wear many different hats in our lives, and few of us fit exclusively into only one of these categories.

For progress to be made, those who work for industry must be recognized as also living and recreating in the same area as environmentalists. Environmentalists must be seen as citizens who are concerned about the losses of our natural resources and open spaces, and who also depend on the economy for income and the benefits of modern society. Then there is greater room for dialogue. Then, common interests can be found, and differences can be perceived as those of how and how much, rather than yes or no, right or wrong. It takes time and a willingness to listen, but the outcomes are well worth it.